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PROTECTED - PERSONAL INFORMATION
FILE NUMBER: 3103017
SERVICE NUMBER: SL4672
DECISION NUMBER: 100000854774

PO Box 7700
Charlottetown, PE
C1A 8M9

April 15, 2005

Luther Ferguson
1366 1st St E
Prince Albert, SK S6V 0E3

Dear Mr. Ferguson:

Your claim was originally submitted as Carcinoma Prostate. The Department has determined that the diagnosis of Adenocarcinoma of the Prostate would better reflect your disability, according to a Veterans Affairs Canada (VAC) Pension Medical Advisory Report, dated 15 April 2005. Your claim, therefore, has been modified, and a ruling for Adenocarcinoma of the Prostate has been provided.

The Department of Veterans Affairs has ruled on your application for disability pension for Adenocarcinoma of the Prostate as follows:

Adenocarcinoma of the Prostate (23340) is pensionable under subsection 21(1) of the *Pension Act*, Regular Force attached to the Special Force (Korea), and is assessed at Nil, effective 15 November 2004 under subsection 39(1) of the *Pension Act*.

31030170101/CDN2602

Canada

The disability resulting from Adenocarcinoma of the Prostate is assessed at Nil at this time. Although you are not eligible to receive a monetary payment, you are entitled to receive medical treatment for your condition. If future medical examinations show a worsening of your condition, the Department will be pleased to review your case.

You relate your prostate cancer to your Korean War service. In addition, you attached a copy of the Veterans Affairs Canada news release regarding the Australian Cancer Study on Korean War Veterans Health.

A review of your service medical records reveals that you served in the Canadian Army with the Regular Force attached the Special Force to Korea from November 1952 until January 1953.

Recently submitted March to December 2004 medical and pathology reports have been reviewed. As previously stated, a VAC Pension Medical Advisor has confirmed the diagnosis of your claimed condition as adenocarcinoma of the prostate. The available medical reports indicate that you were initially diagnosed in March 2004, and you have been treated with radiotherapy.

The Department acknowledges your statement regarding the details of your Korean War service, and recognizes the findings of the *Australian Veterans of the Korean War Cancer Incidence Study 2003*.

As you have been diagnosed with a type of cancer that has a significantly higher incidence among Veterans of the Korean War and there is no evidence of other non-service related contributory factors, the Department resolves any doubt in your favour and concludes that your Adenocarcinoma of the Prostate is attributable to your service with the Regular Force attached to the Special Force (Korea).

The Department, therefore, grants disability pension entitlement under subsection 21(1) of the *Pension Act*.

As full disability pension entitlement has been granted to you under subsection 21(1) of the *Pension Act*, no further entitlement can be considered under subsection 21(2) of the *Pension Act*.

Enclosed you will find information pertaining to your disability pension decision.

If you have any questions regarding the disability pension program, please contact Veterans Affairs Canada, toll-free, at 1-866-522-2122.

Yours truly,



F.G. Skinner
Pension Adjudication

Enclosure(s)



Treatment Notice - Canadian Residents

1. You may receive recommended treatment for your pensioned condition at the expense of Veterans Affairs Canada (VAC).
2. Treatment Accounts Processing Systems (TAPS) is a payment system which allows clients to access eligible health care benefits and services by using a personalized Health Care Identification Card. This card is issued separately by a private contractor on behalf of VAC and can only be used in Canada.
3. In addition to the payment of health care costs, you may qualify for related benefits such as treatment allowances and reimbursement, at departmental rates, of necessary travelling and out-of-pocket expenses incurred for health care associated with your pensioned condition(s).
4. The application to VAC for payment of related benefits is your responsibility. You must therefore promptly notify VAC of the commencement of any health care.
5. If you are leaving your present district for any length of time, please notify VAC. If you are planning to travel outside Canada, you should contact VAC for information on how to obtain treatment benefits for your pensioned condition.
6. If you require further information regarding health care benefits, please contact VAC.

Important

7. If this notice is enclosed with the first notification from VAC that you have been granted pension entitlement and if you have obtained medically recommended treatment for the stated disability within ninety (90) days prior to or since the effective date of the pension award, you may apply to VAC for payment of the costs of such health care not covered by medical insurance. Any such application must be made as soon as possible after you receive the notification from VAC even though supporting receipts or accounts may not be available at that time. You must submit receipts within 18 months in order to be reimbursed. If you are unable to submit receipts or accounts within 18 months, please advise VAC.

The toll-free telephone number for Veterans Affairs Canada is 1-866-522-2122 (english).

Ce formulaire est disponible en français.



Korea Veterans Widow Advocate Association

"Dedicated to fair compensation for widows of Korea Veterans who died from certain types of cancer"
The information below will go on to a web page Monday or Tuesday.

The following are the questions sent to Veterans Affairs and their responses dated March 29, 2007.

Questions:

1. Are widows whose husbands died from cancer eligible for a pension?

Widows (or other eligible survivors) of Korean Veterans who died of cancer can apply for survivor's benefits offered by Veterans Affairs Canada (VAC). Survivor benefits will be awarded to eligible survivors who can establish that the deceased Veterans cancer-related death was attributable to military service.

The type of survivor's benefit awarded depends upon such factors as 1) the deceased veteran's service dates when the application for benefits is submitted to VAC. All applications for survivor benefits relating to Korea Veterans who served from July 5, 1950 to October 31, 1953 are processed under the Pension Act and, if a favourable ruling is made, the type of benefit paid is a monthly survivor's pension.

Applications relating to Korea Veterans who served in Korea Post-October 31, 1953 are usually processed under the Canadian Forces Members and Veterans Re-Establishment and Compensation Act (CFMVRC Act) which came into force on April 1, 2006, and the type of survivor's benefit paid under this legislation is a lump sum award. However, any applications for survivor benefits submitted to VAC relating to Korea Veterans as well as any applications for survivor benefits relating to Korea Veterans who died prior to the coming into force of the CFMVRC Act (regardless of the Veteran's service dates) are processed under the pension act.

2. We understand that every pension is decided on an individual basis. What is the range of those pensions?

2007 monthly rate for a single pensioner -- \$111.05 to \$2221.08

2007 monthly rate for a surviving spouse without dependent children -- \$69.41 to \$1665.81

A lump sum of up to \$250,000 depending on the extent of the disability is payable to Veterans and/or eligible survivors made under the CFMVRC Act.

3. When did Veterans Affairs begin to pay pensions to Korea Veterans who had cancer?

Korea Veterans, like other veterans, have always had the right to apply for an award for any medical condition they believed related to their military service. Where a service condition or disability is established a pension or award is paid.

Since Sept. 10, 2004, VAC has acknowledged that the Korea Veterans Cancer Study conducted by the Department of Veterans Affairs in Australia and released in December 2003, contains important findings with respect to cancer. The study found that Korea war Veterans experienced a significantly higher incidence of certain types of cancer:

They include:

Head and neck, inside of mouth, but not skin cancers, eye cancer or brain cancer.

Larynx

Oesophagus

Lung

Rectum

Prostate

Melanoma

Colon

As a result, VAC now considers the findings of the Australian study important in the adjudication of disability pensions and awards to Veterans who served in Korea from July 5, 1950 to the end of 1955.

4. For what period of time were the veterans given back pay?

The retroactivity of a disability pension is governed by subsection 39 (1) of the pension act. Pensions shall be made payable from the date the application is first made to the department. The onus is on the Veteran or the survivor. The pension is made effective on the date of application or three years prior to the date of a favourable ruling. The shortest length of time applies.

5. Since Korea veterans became eligible for benefits because of cancer, how many have applied?

Five hundred and ninety-three applications have been received from Korea Veterans and their surviving spouses. The figure includes all requests up until March 2007 and includes pre- September 2004.

6. How many have been given a pension?

Four hundred and fifty-nine have received a pension. Fourteen are waiting a decision.

7. Have any pension benefits been paid to widows whose husbands died of cancer before Veterans Affairs made Korea Veterans eligible for cancer benefits? How many?

Benefits have been paid to widows of Korea War Veterans who died from cancer. But VAC is unable to provide statistics on the number of survivors who were paid benefits prior to VAC's acceptance of the Australian study.

8. How has Veterans Affairs publicized that widows are eligible?

Veterans Affairs has made survivor eligibility available through the following:

a. September 10, 2004 news release by the Hon. Albina Guarnieri, the minister of VAC.

b. Front page article in Salute, September 2004.

c. Services and Benefits pamphlet and the New Veterans Charter available in VAC offices.

d. A presentation made at the 2004 annual convention of the Korean Veterans Association.

Note: I checked out the news released and two speeches. There was mention of cancer compensation but no mention of widows. I couldn't find the pamphlet on the web or the presentation by the officials.

9. What is the name and contact number of a person at Veterans Affairs who will speak to persons wanting information?

Toll free number: 1-866-522-2122

Association members

Luther Ferguson, Prince Albert, Saskatchewan 306-763-2330

Lew Murphy, Topsail, Newfoundland 709-781-2013

Jim Gunn, Montreal, Quebec (Cell) 514-824-7180

Alan MacDonald, Barrie, Ontario 705-721-5807

John Kolaschey, Edmonton, Alberta (Padre) 780-939-3317

Terry Meagher, Kempeville, Ontario 613-258-5539

Some Canadian veterans' observations on possible causes

1. Spraying bunkers for fleas on rats. Bunkers occupied by soldiers immediately after.
2. Heavy rat population at front
3. Drinking water treated; local water made soldiers sick.
4. Crawling through rice paddies planted with human manure
5. Daily consumption of malaria pills
6. Generally harsh conditions of living outside, especially in winter with a cold wind blowing down and across the hills from Manchuria.

Bladder cancer in South Korean males

Urological cancer along with renal and prostate cancer is most prevalent cancer in South Korea. The peak incidence of cancer is in the 70-year-old males and older, an age that corresponds to service time in the military. Incidence in males over females was 5.4:1. The survey began in 1985 and ended in 1999.

Proximity of Canadian troops to Hiroshima

Among Japanese who were among the fringes of the bomb blast or were far enough from the hypocenter not to have shown symptoms, cancers began showing up 50 years after the blast. They infected all organs. The cancers with which these people were infected were no different than in the normal population. However, experiments in laboratory animals showed that mutations have occurred in their offspring.

Health Physics Society, posted on Internet July 2, 1983

Those soldiers who went through the replacement centre in Hiro, Japan or trained at the Battle School in Hara Mira, or were patients in the British Commonwealth Hospital in Kure will remember how close they were to Hiroshima where the atom bomb exploded. On a sunny afternoon, the boat Brooke Claxton, named after the defense minister, plied the waters to see the devastation left by the bomb. We estimate the distance was about 25 miles and within the radiation area.

The American Scientist online in the January-February 2006 issue says that cancer investigators who specialize in radiation effects have seen an increase in cancer rates while the World Health Organization says mankind has found no cure for nuclear explosion.

In the 1986, Chernobyl nuclear disaster nine million people were over 155,000 kilometres were effected. The fallout has a half life of 29 years.